

EXHIBIT E

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n/k/a MassMutual Ascend Life Ins. Co.*

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION**

MICHELLE KING, as the Personal
Representative of the Estate of
ROBERT GLENN KING,

Plaintiff,

vs.

UNITED TEACHER ASSOCIATES
INSURANCE COMPANY,
CONTINENTAL GENERAL
INSURANCE COMPANY, GREAT
AMERICAN LIFE INSURANCE
COMPANY, CONTINENTAL LTC,
INC., fka CONTINENTAL
INSURANCE, INC., and DOES 1-V,

Defendants.

Cause No. CV-21-87-BMM

**OBJECTIONS AND RESPONSES OF DEFENDANT GREAT AMERICAN
LIFE INSURANCE COMPANY NOW KNOWN AS MASSMUTUAL
ASCEND LIFE INSURANCE COMPANY TO PLAINTIFF'S
FIFTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

NOW COMES Defendant Great American Life Insurance Company ("Great American"), now known as MassMutual Ascend Life Insurance Company, by and through its undersigned counsel, Faegre Drinker Biddle & Reath LLP, pursuant to Federal Rule of Civil Procedure 34, and hereby objects and responds to the Fifth Set of Requests for Production of Documents (the "Requests") of Plaintiff Michelle King, as the personal representative of the Estate of Robert Glen King ("Plaintiff"), as follows:

**GENERAL OBJECTIONS TO PLAINTIFF'S REQUESTS AND
INSTRUCTIONS AND DEFINITIONS OF GREAT AMERICAN'S
OBJECTIONS**

1. Great American objects to the Requests to the extent that they seek information or documents beyond the scope permitted by the Federal Rules of Civil Procedure (hereinafter referred to as "Exceeds Rules").
2. Great American objects to the Requests to the extent that they are vague, ambiguous, or unintelligible (hereinafter referred to as "Vague and Ambiguous").
3. Great American objects to the Requests to the extent that they seek documents that are not relevant to any of the issues in this action (hereinafter referred to as "Irrelevant").

4. Great American objects to the Requests to the extent that they seek information that is not proportional to the needs of this action (hereinafter referred to as “Disproportional”).

5. Great American objects to the Requests to the extent that they are overly broad (hereinafter referred to as “Overbroad”).

6. Great American objects to the Requests to the extent that they are unduly burdensome and unreasonable (hereinafter referred to as “Unduly Burdensome”).

7. Great American objects to the Requests to the extent that they seek information or production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege (hereinafter referred to as “Privileged”). To the extent that Great American states herein that it will “produce documents responsive to this Request,” Great American’s production will exclude privileged documents and for any such documents withheld, Great American will produce a privilege log.

8. Great American objects to the Requests to the extent that they seek documents containing highly confidential personal information protected against disclosure under privacy laws (hereinafter referred to as “Confidential Personal Information”).

9. Great American objects to the Requests to the extent that they seek

documents containing highly confidential or proprietary corporate information (hereinafter referred to as (“Proprietary Information”). To the extent that Great American states herein that it will “produce documents responsive to this Request,” Great American’s production will exclude proprietary information and for any such documents withheld, Great American will produce a privilege log. Should the parties reach a confidentiality agreement regarding these proprietary materials, Great American will produce such proprietary materials subject to the terms of that agreement.

10. Great American objects to the Requests to the extent that they ask Great American to provide information or documents equally accessible to Plaintiffs (hereinafter referred to as “Equally Accessible”).

11. Great American objects to the definition of the term “documents” to the extent that it requires Great American to produce the metadata of documents produced herewith on grounds of Exceeds Rules, Irrelevant, Disproportional, and Unduly Burdensome.

GREAT AMERICAN’S RESPONSES TO PLAINTIFF’S REQUESTS

31. Copies of the complete claim file for each of the 111 claims identified by Defendants’ response to Interrogatory No. 4. You may redact personal identifying information, except for the claim number which is necessary to understand which documents correspond with each individual claim. Documents produced hereunder will also be subject to protection under the stipulated Protective Order entered herein, so personal identifying information will be confidential regardless of whether you redact it.

RESPONSE: **Objection.** Great American objects to Request No. 31 as Vague and Ambiguous, Disproportional, Overbroad, Confidential Personal Information, and Irrelevant.

By way of further response and without waiving the foregoing, the claim files were not “identified by” Great American in response to Interrogatory 4, and as a result, Great American has no documents responsive to this Request.

32. With regard to the partial screen shots provided by defense counsel’s email of October 22, 2024 (attached hereto as Addendum 1), please provide an HTML version of each screen shot that allows scrolling and visualization of each page in its entirety. For instance, with regard to the first screen shot showing “Product Licenses,” provide a full HTML screen shot sufficient to show all contents of the page for “Database/Institution Licenses.” Then do the same with regard to the “Summary” tab, the “Workstation Licenses” tab, and the tab for “Concurrent License Usage.” For the next screen shot in the October 22 email, which relates to documents associated with Robert King’s claim file, provide the full screen shot that shows all the documents listed, as well as the top and bottom of the OnBase screen. For the “Document Retrieval” screen, provide a full screen shot that allows scrolling downwards in the Keywords and Date Range section.

RESPONSE: **Objection.** Great American objects to Request No. 32 as Vague and Ambiguous, Disproportional and Irrelevant.

By way of further response and without waiving the foregoing, the “partial screen shots” were not retrieved and/or taken by Great American, and as a result, Great American has no documents responsive to this Request.

33. Documents sufficient to identify the version of OnBase in use by Defendants for the years 2013 to present.

RESPONSE: **Objection.** Great American objects to Request No. 33 as Vague and Ambiguous, Disproportional, Overbroad, and Irrelevant.

By way of further response and without waiving the foregoing, the “OnBase” program referenced relate to discovery of other parties and as a result, Great American has no documents responsive to this Request.

34. All documents describing the search capabilities of Defendants’ OnBase system, including but not limited to user guides, reference guides, or

instructions by whatever name used, which show how to conduct searches in Defendants' version of the OnBase system.

RESPONSE: **Objection. Great American objects to Request No. 33 as Vague and Ambiguous, Disproportional, Overbroad, and Irrelevant.**

By way of further response and without waiving the foregoing, Great American refers Plaintiff to Great American's Response to Request 33 above.

35. Documents sufficient to show the entire list of Document "Types" and "Groups" currently maintained within Defendants' OnBase software application. If you claim you don't know what Document "Types" and/or "Groups" means, see defense counsel's email of October 22, 2024, showing a screenshot that includes the "Document Types and Groups" menu. See also the OnBase user instructions which describe how OnBase searches can be filtered to search specific document types and groups. See also Julie Belknap deposition pp. 1315, 46, describing the ability to search within document types, and identifying one of the document types as "claim notes."

RESPONSE: **Objection. Great American objects to Request No. 34 as Vague and Ambiguous, Disproportional, Overbroad, and Irrelevant.**

By way of further response and without waiving the foregoing, Great American refers Plaintiff to Great American's Response to Request 33 above.

36. Copies of all (1) Performance Management and Salary Administration Guides; and (2) Competency Models Guidebook (aka Competency Models and Development Guide) applicable to years 2013 through present. Note: these documents are referred to in personnel files as available on the afglink.com in the Human Resources tab, under myCareer.

RESPONSE: **Objection. Great American objects to Request No. 33 as Vague and Ambiguous, Disproportional, Overbroad, Proprietary Information, Irrelevant and Privileged.**

By way of further response and without waiving the foregoing, the personnel files referenced were not produced by Great American and, as a result, Great American has no documents responsive to this Request.

Dated: November 25, 2024

Respectfully submitted,

/s/ Maxon Davis

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CERTIFICATE OF SERVICE

I, J. Louise Bonner, hereby certify that on November 25, 2024, a copy of the foregoing was served upon the below counsel via e-mail:

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/s/ J. Louise Bonner
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